PATENT APPLICATION
CS8772
BCS03-3031

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF	)
	) ART UNIT: 4121
RALF DUNKEL ET AL	)
	) EXAMINER: ALICIA L. FIERRO
SERIAL NO.: 10/576,060	)
	) CONFIRMATION NO.: 2152
FILED: AUGUST 28, 2006	)
	)
TITLE: ISOPENTYL CARBOXANILIDES FOR COMBATING UNDESIRED MICRO-ORGANISMS	)

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Ulrike Wachendorff-Neumann of Oberer Markenweg 85, 56566 Neuwied, Germany, a citizen of Germany, hereby declare:

1. I am an entomologist having studied at the University of Bonn, Germany, where I received the degree of doctor rer. nat. in the year 1982; I specialized in the field of entomology and phytopathology; and I entered the employ of Bayer Aktiengesellschaft, Leverkusen, Germany, in 1982, where I have been employed in the department for biological development of chemical compounds for plant diseases at Monheim, Germany, and after the spin-off to form Bayer CropScience AG I am now an employee of this company in the department of Global Biology Fungicides.

2. I am familiar with the subject matter of the above-identified United States patent application.

3. The following tests have been carried out under my supervision and control.

Example 1 *Sphaerotheca* test (cucumbers) / protective

Solvent: 24.5 parts by weight of acetone

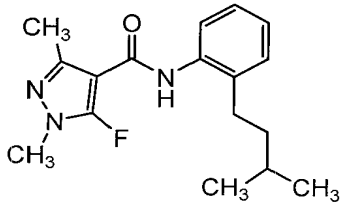
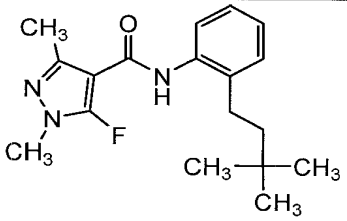
24.5 parts by weight of dimethylacetamide

Emulsifier: 1 part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with a stated amount of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

To test for protective activity, young cucumber plants are sprayed with the preparation of active compound at the stated rate of application. After the spray coating has dried, the plants are inoculated with an aqueous spore suspension of *Sphaerotheca fuliginea*. The plants are then placed in a greenhouse at approximately 23°C and a relative atmospheric humidity of approximately 70%. The test is evaluated 7 days after inoculation. Test results are shown in the following Table 1. 0% means an efficacy that corresponds to that of the control, whereas an efficacy of 100% means that no disease is observed.

Table 1: *Sphaerotheca* test (cucumbers) / protective

Active compound	Rate of application of active compound in ppm	Efficacy in %
Comparison compound 	100	95
	10	37
Inventive compound: Example 2 of S/N 10/576,060 	100	100
	10	100

Example 2 *Venturia* test (apples) / protective

Solvent: 24.5 parts by weight of acetone

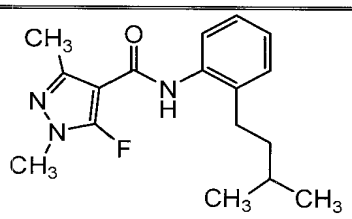
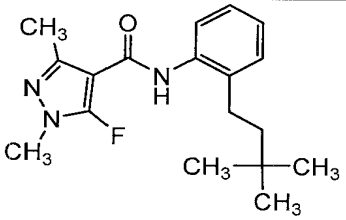
24.5 parts by weight of dimethylacetamide

Emulsifier: 1 part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with a stated amount of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

To test for protective activity, young plants are sprayed with the preparation of active compound at the stated rate of application. After the spray coating has dried, the plants are inoculated with an aqueous conidia suspension of the causal agent of apple scab (*Venturia inaequalis*) and allowed to remain for 1 day in an incubation cabinet at approximately 20°C and a relative atmospheric humidity of 100%. The plants are then placed in a greenhouse at approximately 21°C and a relative atmospheric humidity of approximately 90%. The test is evaluated 10 days after inoculation. Test results are shown in the following Table 2. 0% means an efficacy that corresponds to that of the control, whereas an efficacy of 100% means that no disease is observed.

Table 2: *Venturia* test (apples) / protective

Active compound	Rate of application of active compound in ppm	Efficacy in %
Comparison compound 	100 10	96 14
Inventive compound: Example 2 of S/N 10/576,060 	100 10	100 100

Example 3 *Botrytis* test (beans) / protective

Solvent: 24.5 parts by weight of acetone

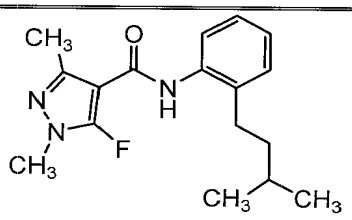
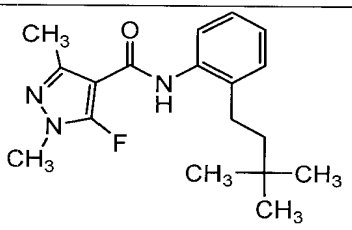
24.5 parts by weight of dimethylacetamide

Emulsifier: 1 part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amounts of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

To test for protective activity, young bean plants are sprayed with the preparation of active compound at the stated rate of application. After the spray coating has dried, two small pieces of agar covered with a growth of *Botrytis cinerea* are placed on each leaf. The inoculated plants are placed in a darkened chamber at 20°C and a relative atmospheric humidity of 100%. Two days after inoculation, the size of the lesions on the leaves is evaluated. Test results are shown in the following Table 3. 0% means an efficacy corresponding to that of the control, whereas an efficacy of 100% means that no disease is observed.

Table 3: *Botrytis* test (beans) / protective

Active compound	Rate of application of active compound in ppm	Efficacy in %
Comparison compound 	500	84
	100	50
Inventive compound: Example 2 of S/N 10/576,060 	500	100
	100	92

4. The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Further Declarant Sayeth Not.

Signed at Monheim, Germany, this 18th day of March, 2010.

ULRIKE WACHENDORFF-NEUMANN